

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70844 of 2023

Arising Out of PS. Case No.-141 Year-2023 Thana- SARE District- Nalanda

Sunil Kumar Son Of Mr. Anil Kumar Resident Of Village- Madhopur, Ps-
Chandi, Dist- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
	:	Mr. Ritwik Thakur, Advocate
	:	Mrs. Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-11-2023 Heard Mr. Ajay Kumar Thakur, learned counsel for
the petitioner and Mr. Anil Kumar, learned Additional Public
Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Sare P.S. Case No. 141 of 2023, FIR dated
10.08.2023 registered for the offences punishable under
Sections 447, 419, 420, 384/34 of IPC.

3. The prosecution case, in short, is that the informant
is owner of rice Mill he alleges that the petitioner stated that he
is selling rice being Beauty Queen which is wrong and he has to
pay Rs. One Lac otherwise he will be implicated. The informant
was frightened and accordingly he gave Rs. 50,000/-.



4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. Further submits that from a bare perusal of the FIR it appears that the date of occurrence as alleged in the FIR is 25.06.2023 but the present FIR has been instituted on 10.08.2023 after delay of about one and half months without giving any explanation of delay. Further submits that in fact the petitioner has already filed an FIR against the informant bearing No. Sare P.S.Case No.108 of 2023 on 25.06.2023 itself and in which the petitioner has alleged that the informant in the present case has used to sale rice by using the bags of Nilkanth Chawal, namely, Beauty Queen and when the petitioner has gone to the godown of the informant he was found that some empty rice bags were found at the place of occurrence and the petitioner has also snapped some sorts which is Annexure-5. Learned counsel for the petitioner further submits that in fact when the informant has been implicated in the FIR which was filed by the petitioner he has filed the false case against the petitioner.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioner.



6. Considering the aforesaid facts, petitioner has clean antecedent and the present FIR has been instituted after delay of 45 days and there is counter blast of case bearing Sare P.S.No. 108 of 2023, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Nalanda at Biharsharif in connection with Sare P.S.Case No.141 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at



any stage, it is found that the petitioner has concealed his/her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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